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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/775,285 | 02/01/2001 | Kimberlee A. Kemble | 6169-149 | 8255 |

40987 7590 06/01/2005

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EXAMINER

VU, THANH T

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| ART UNIT | PAPER NUMBER |
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2174

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,285

Applicant(s)

KEMBLE ET AL.

Examiner

Thanh T. Vu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This communication is responsive to Amendment, filed 5/10/2004.

Claims 1-20 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 6 and 9-18 are rejected under 35 USC 102(e) as being anticipated by Gould et al ("Gould"), US-6,088,671.

As per claim 1, Gould teaches a method for presenting database query results through an audio user interface (AUI), comprising: initiating a database query operation (*command*), the operation retrieving a plurality of database query result items from at least one database (*retrieve matches from templates*); and, presenting each query result item through the AUI as each query result item is found in at least one database, the presenting step occurring concurrently with the database query operation (col. 4, lines 59-col. 5, line 2, Fig. 8a; col. 6, lines 47-52).

As per claim 2, Gould teaches the method further comprising: detecting a speech

Art Unit: 2174

response through the AUI during the presentation, the speech response selecting the query result item presented through the AUI; and, responsive to the detection, terminating the database query operation (*CPU is finished and text is removed*) (col. 6, lines 35-46).

As per claim 3, Gould teaches the method further comprising: detecting a command during the presentation to terminate the database query operation; and, responsive to the detection, terminating the database query operation (*CPU terminates upon speech (command) being recognized*) (col. 6, lines 24-26).

As per claim 4, Gould teaches the method wherein the command is a speech command (col. 6, lines 18-24).

As per claim 5, Gould teaches the method further comprising: inserting each result item in a data structure as each query result item is found (col. 7, lines 43-52).

As per claim 6, Gould teaches the method wherein the presenting step comprises: presenting each query result item contained in the data structure independently but concurrently with a database query operation (*partial listing shows how recognition is proceeding*) (col. 7, lines 43-52).

As per claim 9, Gould teaches a method for presenting database query results through an audio user interface (AUI) comprising:

a database manager for managing a database query operation on at least one

Art Unit: 2174

database, the database query operation producing database query result items; and, a dialog manager for managing the presentation of said database query result items through the AUI concurrently with, said database query operation (col. 2, lines 50-64).

As per claim 10, Gould teaches a system wherein the AUI comprises:

a text-to-speech processor for converting the database query result items into audible speech; and, a speech recognition engine for converting speech input into text recognizable by the dialog manager (Fig. 2, 38; col. 4, lines 12-15).

As per claim 11, Gould teaches the system wherein the AUI further comprises: a barge-in facility(*when command is determined, partial listing is terminated and command is executed*) (col. 6, lines 30-36).

As per claim 12, Gould teaches the system wherein a queue for storing database query result items from the database query operation; and, a queue manager for managing the insertion and removal of database query items to and from the queue (col. 6, lines 38-41).

As per claims 13-18 they are the machine-readable storage claims of claims 1-6, and are thus rejected under the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2174

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 20 are rejected under 35 USC 103(a) over Gould et al ("Gould"), US 6,088,671 in view of Bruce et al, US-6,539,080.

As per claims 8 and 20, Gould discloses claims 1 and 13 but does not explicitly teach the method or machine-readable storage wherein the AUI is a telephony interface. However, Bruce et al teach the method and machine-readable storage wherein the AUI is a telephony interface (*telephone call is placed*) (Abstract, lines 3-19) (*Merriam- Webster's dictionary defines a telephony interface as the use or operation of an apparatus for transmission of sounds between widely removed points with or without connecting wires*). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Gould with Bruce et al's step of incorporating a telephony interface into an AUI speech and voice recognition system in order to create a system where information can be transmitted from two geographically removed points.

Claims 7 and 19 are rejected under 35 USC 103(a) over Gould et al ("Gould"), US 6,088,671.

As per claims 7 and 19, Gould teaches the invention substantially as claimed including the method and the machine-readable storage wherein the data structure is selected from the

Art Unit: 2174

group consisting of a list (col. 7, lines 43-52). Gould does not teach the method wherein the data structure is a stack, or a database. However Official Notice is taken that databases and stacks are very well known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the possibility of using a stack or database data structure in order to provide a variety of storage possibilities based on need.

Response To Argument

In the remarks, applicant has argued in substance that:

- (1) Gould does not teach a database query operation.
- (2) Gould fails to disclose terminating a database query operation responsive to a speech response.
- (3) Gould fails to teach that query results can be presented through an AUI.
- (4) Gould does not teach a dialog manger that manages the audible presentation of database query result items concurrently with the database operation.
- (5) Gould teaches nothing about using a text-to-speech processor for converting database results into speech.
- (6) Gould does not teach the barge-in facility taught in the Applicant's invention, which can terminate the execution of a database query responsive to a user selection of an audibly presented query result.
- (7) Bruce fails to teach or suggest that database query results can be presented through an AUI as the results are determined concurrently with the execution of the database operation.

Examiner respectfully disagrees with Applicant's arguments and resubmits that

As to point (1), Gould teaches a database query operation (by definition, database means a file composed of records; *the examiner interprets a database query operation as a command (query operation) to retrieve matches from templates (database), see col. 4, lines 49-67*).

As to point (2), Gould discloses terminating a database query operation responsive to a speech response. When a match is made with a user's speech, the CPU is finished, and termination occurs (col. 6, lines 24-34).

As to point (3), Gould teaches query results (see col. 5, lines 6-16) can be presented through an AUI (the examiner interprets AUI as browser 66 where the user inputs a query using auditory commands). The claim language does not specify that the results of the query must be presented in an auditory manner.

As to point (4), Gould teaches a dialog manager^{or} that manages the audible presentation of database query result items concurrently with the database operation (col. 3, lines 36-49). Since the system must recognize queries/input as they are being processed, there is a manager (monitor software) that manages what has been entered but not yet processed.

As to point (5), Gould very explicitly teaches a text-to-speech processor (col. 4, lines 12-15). Gould states that text can be entered into a speech recognizer window, after which, the "document" (ie, text) is transferred to the application.

As to point (6), Gould teaches the barge-in facility taught in the Applicant's invention, which can terminate the execution of a database query responsive to a user selection of an audibly presented query result (col. 6, lines 24-34). When an appropriate match is made, the "barge-in" facility prevents the CPU from any further processing.

Art Unit: 2174

As to point 7, Bruce teaches that database query results can be presented through an AUI as the results are determined concurrently with the execution of the database operation (col. 2, lines 54-63). The inputted information is sent to a database, where it is processed. The communication, Bruce further teaches, can be done through an AUI (*through a voice interactive system*).

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